

IDAPA 37 – Department of Water Resources
37.03.09 – Well Construction Standards Rules
Docket NO. 37-0309-0601

Resolution to comments

Public Hearing and Comments Period, September 3 through 24, 2008

The complete text of proposed rule, IDAPA 37.03.09, was published in the September 3, 2008 Idaho Administrative Bulletin, Vol. 08-9, pages 204-245. This proposed rule was open to public comment from September 3, 2008 through September 24, 2008, with public hearings held on September 22 at each of the four Region Offices of the Department of Water Resource.

There were no public participants that attended the public hearings at either the Northern Region or the Southern Region offices. Five licensed drillers provided public testimony at the Eastern Region Office, two licensed drillers and the Executive Director of the Idaho Ground Water Association testified at the Western Region Office.

Testimony provided in the Eastern Region was in opposition to the new requirement to seal all wells to a minimum depth of thirty-eight feet and the required four hour notification prior to placing a seal. Drillers there are concerned about the added cost and difficulty of installing an additional twenty feet of casing and seal and believe there is insufficient evidence supporting the need for increasing the sealing requirements.

Testimony provided by one licensed driller in the Western Region expressed a concern about waiting four hours for the Department before placing a surface seal. Department staff pointed out that the requirement is to notify the Department four hours prior to placing a seal to allow Department staff an opportunity to be present during seal placement but there is no requirement to wait. One driller provided testimony resulting in clarification to figures and correcting reference in the text. Testimony provided by IGWA Executive Officer pledged IGWA support for the proposed Rule and pledged support during the 2009 legislative session for these rules.

Resolution to written comments received during the public comment period resulted in minor editorial changes to the text of the proposed rule, such as providing an example of nominal diameter with respect to outside casing diameter, an example calculation was added to the table in 025.23, and the use of “shall has been changed to “must” throughout the rule. Subsections 035.04 through 035.10 were renumbered as Rule 36 Subsections 036.01 through 036.06. Language has been added to Rule 25 Subsection 025.03 requiring well coordinates be identified using a GPS. This language appeared in the March 26,

2008 draft, lines 1417-1424 and the April 18, 2008 draft, lines 1362-1367. Significant changes to subsequent drafts resulted in this language being inadvertently omitted. In response to comments, this requirement has been re-inserted. Figures 01, 02, 03, 11, 12, and 13 reflect minor changes as a result of the public hearings.

Full audio of the public hearings is available on the IDWR web site,
<http://www.idwr.idaho.gov/wellrulemaking/rulemakingcommittee.htm>